

Application Serial No. 10/701,700
Amendment dated 5/25/2005 in
Response to Office Action dated 03/25/2005

REMARKS

The Examiner has required restriction under 35 U.S.C. §121 among Group I, claims 1-11 and 32-36 (drawn to an article stacking apparatus having a rotating barrel); and Group II, claims 12-31 (drawn to an article stacking apparatus and method thereof including a bin having a pivotable concave portion). Applicant hereby elects Group I, claims 1-11 and 32-36, for prosecution on the merits. Accordingly, claims 12-31 have been canceled without prejudice. New claims 37-54 have been entered herein, and are believed to fall within the Group I set of claims. Thus, claims 1-11, 32-36, and 37-54 are currently pending in this application. Applicant reserves the right to file one or more divisional, continuation, and/or continuation-in-part applications covering the subject matter of the non-elected claims 12-31.

CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

Dated: May 25, 2005

By: D. M.
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